

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALI ALEXANDER MOORE,

Plaintiff,

– against –

NEW YORK CITY POLICE DEPARTMENT; ST. LUKES HOSPITAL/MOUNT SINAI MORNINGSSIDE; MORNINGSSIDE HEIGHTS HOUSING CORPORATION; CITY OF NEW YORK; MOUNT SINAI ST. LUKES, hospital staff/doctors/John Does; MOUNT SINAI HEALTH SYSTEM, doctors/hospital staff/John Does; MORNINGSSIDE HEIGHTS HOUSING CORPORATION, MORNINGSSIDE SECURITY MONTALVO/GILMORE (PEACE OFFICERS JOHN DOES); FIRST SERVICE RESIDENTIAL, MORNINGSSIDE STAFF JOHN DOES (MORNINGSSIDE STAFF WORKERS); CIVIL COMPLAINT REVIEW BOARD, INVESTIGATOR MURGO, INVESTIGATOR SUPERVISOR (DOES); KAREN EUBANKS; NYPD JOHN DOES; PEACE OFFICER JOHN DOES; NEW YORK CITY POLICE OFFICER COMBRELLA; NEW YORK CITY POLICE OFFICER TORTERRA; SERGEANT JOSEPH ANGELONE; OFFICER FREDDY TAVARES; OFFICER MICHAEL RIOS; DETECTIVE WILLIAM NEVILLE; and DETECTIVE ADAM IMPERATO,

Defendants.

ORDER

23-cv-01300 (ER)

Ramos, D.J.:

On April 1 and May 1, 2024, pursuant to the Court’s order, Defendant the City of New York (“the City”) identified five members of the New York Police Department (“NYPD”) who “interacted with Plaintiff on February 11, 2020,” including Michael Rios, Joseph Angelone, Freddy Tavares, William Neville, and Adam Imperato (collectively “Defendant NYPD

Officers”). Docs. 47, 50. Moore filed his Second Amended Complaint (“SAC”) on June 6, 2024. Doc. 57. The SAC includes Defendant NYPD Officers in the case name and lists them in the section titled “The Parties” but does not mention their names in the factual allegations. *Id.* The Court granted the City’s request to extend the time to respond to the SAC to 21 days after Defendant NYPD Officers were served with process on June 28, 2024. Doc. 60. As of October 16, 2024, Defendants Michael Rios, Joseph Angelone, and Freddy Tavares have been served. Docs. 72, 73, 76. Defendants William Neville and Adam Imperato have not been served.

Federal Rules of Civil Procedure 4(m) provides that “[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—*must* dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m) (emphasis added).

Plaintiff Moore is instructed to serve Defendants William Neville and Adam Imperato by no later than November 30, 2024. If Moore fails to serve them, the claims against Defendants William Neville and Adam Imperato will be dismissed.

It is SO ORDERED.

Dated: October 17, 2024
New York, New York



Edgardo Ramos, U.S.D.J.